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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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8 IN THE MATTER OF THE FILING BY
TUCSON ELECTRIC POWER COMPANY
9 TO AMEND DECISION NO. 62103.

Docket No. E-01933A-05-0650

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11 **RUCO's RESPONSE TO TEP/STAFF JOINT REQUEST**
12 **TO CHANGE PROCEDURAL SCHEDULE**

13 Pursuant to the February 6, 2007 Procedural Order, the Residential Utility Consumer
14 Office ("RUCO") provides its response to the joint proposal of Tucson Electric Power Company
15 ("TEP" or the "Company") and the Utilities Division ("Staff") to continue the hearing in this
16 matter from February 20, 2007 to February 28, 2007. RUCO has no objection to continuation
17 of the hearing so that parties can explore whether settlement of this matter would be possible,
18 but RUCO requests that the hearing date be reset to no sooner than March 6, 2007.

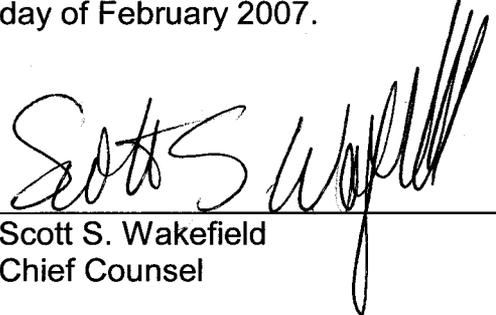
19 RUCO understands that Staff would like to extend to TEP the courtesy of accepting the
20 utility's offer to engage in settlement discussions involving all parties. While RUCO may not be
21 as optimistic that such discussions will ultimately prove successful as the Company may be,
22 RUCO has no objection to engaging in such discussion, and RUCO will do so in good faith.
23 However, RUCO requests that the hearing be continued slightly longer than TEP and Staff
24 have requested.

1 TEP and Staff's request contemplates that the settlement negotiations will begin on
2 February 20, and will be concluded prior to the commencement of the hearing that they
3 request be convened on February 28. Continuing the hearing only eight days would require
4 parties to both attend what would apparently be daily settlement discussions (which are
5 contemplated to take place in Tucson), and to engage in hearing preparations. With daily
6 settlement negotiations taking place in Tucson, RUCO would not even be able to utilize any
7 break times in negotiations to engage in hearing preparations. Further, parties should not be
8 expected to invest the substantial resources necessary to prepare for a hearing prior to
9 negotiations taking place, as it could likely result in those preparation efforts ultimately proving
10 to be wasted. This is a critical concern for a small government agency such as RUCO with
11 very limited resources. Beyond that, parties that have already invested time in detailed
12 hearing preparations would have less incentive to reach a settlement. To maximize the
13 likelihood of productive negotiations, the parties should not be expected to have completed
14 their hearing preparations before even sitting down at the settlement table. In addition,
15 RUCO's witness' availability between February 28 and March 5 is severely limited. RUCO
16 would be disadvantaged if its witness was not present for at least the entirety of TEP witness
17 Pignatelli's testimony that would precede hers.

18 In conclusion, RUCO does not object to the continuation of the hearing so that parties
19 can explore the possibility of settlement of this matter. However, RUCO requests that the
20 hearing be continued until no earlier than March 6, 2007.

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1 RESPECTFULLY SUBMITTED this 12th day of February 2007.

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Scott S. Wakefield
Chief Counsel

7 AN ORIGINAL AND THIRTEEN COPIES
8 of the foregoing filed this 12th day
9 of February 2007 with:

10 Docket Control
11 Arizona Corporation Commission
12 1200 West Washington
13 Phoenix, Arizona 85007

14 COPIES of the foregoing hand delivered/
15 Mailed/*emailed this 12th day of February 2007 to:

16 Lyn Farmer
17 Chief Administrative Law Judge
18 Hearing Division
19 Arizona Corporation Commission
20 1200 West Washington
21 Phoenix, Arizona 85007

22 Christopher Kempley, Chief Counsel
23 Legal Division
24 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

*Gary Yaquinto, President
Arizona Utility Investors Association
2100 N. Central Avenue, Suite 210
Phoenix, Arizona 85004

*C. Webb Crockett
Fennemore Craig, P.C.
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012-2913

*Raymond S. Heyman
Senior Vice President and
General Counsel
UniSource Energy Corporation
One South Church Street, Suite 1820
Tucson, Arizona 85701

*Michael W. Patten, Esq.
Laura Sixkiller, Esq.
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

*Michelle Livengood
Tucson Electric Power Company
One South Church Street, Suite 200
Tucson, Arizona 85701

1 *Nicholas J. Enoch
Lubin & Enoch, P.C.
2 349 North Fourth Avenue
Phoenix, Arizona 85003
3
4 *Timothy Hogan
Arizona Center for Law in the
Public Interest
5 202 East McDowell Road, Suite 153
Phoenix, Arizona 85004
6
7 *Michael M. Grant
Gallagher & Kennedy, P.A.
2575 East Camelback Road
8 Phoenix, Arizona 85016-9225
9
10 *Greg Patterson, Director
Arizona Competitive Power Alliance
916 West Adams, Suite 3
Phoenix, Arizona 85007
11
12 *Barbara Klemstine
Brian Brumfield
Arizona Public Service
13 P. O. Box 53999
Mail Station 9708
14 Phoenix, Arizona 85072-3999
15
16 *Thomas L. Mumaw
Pinnacle West Capital Corporation
P. O. Box 53999
Mail Station 8695
17 Phoenix, Arizona 85072-3999
18
19 *Deborah R. Scott
Robert J. Metli
Snell & Wilmer L.L.P.
One Arizona Center
20 400 East Van Buren
Phoenix, Arizona 85004-2202
21
22 Daniel D. Haws
OSJA
Attn: ATZS-JAD
23 USA Intelligence Center & Fort
Huachuca
24 Fort Huachuca, AZ 857613-6000

*Peter Q. Nyce, Jr.
Regulatory Law Office
U.S. Army Legal Services Agency
901 N. Stuart Street, Suite 713
Arlington, VA 22203-1837

*Christopher Hitchcock
Law Offices of Christopher
Hitchcock
P. O. Box AT
Bisbee, AZ 85603-0115

*David Berry
Western Resource Advocates
P. O. Box 1064
Scottsdale, AZ 85252-1064

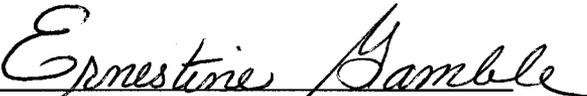
*Eric Guidry
Energy Program Staff Attorney
Western Resource Advocates
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

*Jeff Schlegel
SWEEP
1167 W. Samalayuca Dr.
Tucson, AZ 85704-3224

*Lawrence Robertson
P. O. Box 1448
Tubac, Arizona 85646

*S. David Childers
Low & Childers PC
2999 N. 44th Street, Suite 250
Phoenix, Arizona 85018

*Dan Neidlinger
Neidlinger & Assoc.
3020 N. 17th Drive
Phoenix, AZ 85015

By 
Ernestine Gamble
Secretary to Scott Wakefield